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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/975,088 | 10/10/2001 | Frederick Allan Hall | 3265-011733 | 7688 |

7590 08/12/2003

Russell D. Orkin
WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818

EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,088

Applicant(s)

HALL, FREDERICK ALLAN

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on October 10, 2000. It is noted, however, that applicant has not filed a certified copy of the British application as required by 35 U.S.C. §119(b).

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the barrel having a greater thickness or strength on its face sideward of the body when the gate is in a closed position so as to reinforce the karabiner against side forces applied to the gate region thereof (claim 11) and the further structure of the region of greater thickness coinciding with an aperture in the barrel (claim 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11 and 12 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The application as filed only shows and describes the area of greater thickness or strength as extending outwardly when the gate is in a closed position. The description that the barrel having a greater thickness or strength on its face sideward of the body when the gate is in a closed position so as to reinforce the karabiner against side forces applied to the gate region thereof (claim 11) and the further structure of the region of greater thickness coinciding with an aperture in the barrel (claim 12) lacks antecedent basis in the application as filed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5 and 10 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Akeroyd (GB 2077838).

Akeroyd (figures 1-4) teaches carabiner structure including a body 10 that is generally C-shaped, even with the eyelet portion 11, with its free ends curved toward each other and forming a gap therebetween, and a gate on one end of the body for closing the gap, the gate having a locking barrel 14 thereon, the barrel 14 having a

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greater thickness 15 on the face of the barrel that is outermost when it is in the position of locking the gate in a closed position. The barrel clearly overlaps free end of the body when closed so as to lock the gate in position. The gate 12 is considered to be in the shape of a wire since wire can have many configurations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akeroyd (GB 2077838) in view of Bonaiti (EP 318742).

Akeroyd (figures 1-4) teaches carabiner structure including a body 10 that is generally C-shaped, even with the eyelet portion 11, with its free ends curved toward each other and forming a gap therebetween, and a gate on one end of the body for closing the gap, the gate having a locking barrel 14 thereon, the barrel 14 having a greater thickness 15 on the face of the barrel that is outermost when it is in the position of locking the gate in a closed position. The barrel is rotated to lock and unlock the gate. The difference is that the carabiner has a barrel that is not screw threaded. Bonaiti (figures 1-4) teaches that it is conventional to provide a hook with a screw threaded barrel 19 to lock the pivotally connected gate wherein the barrel 19 has an outer configuration with ridges that would be more easily grasped and turned and by having such a configuration provides areas of greater thickness along the circumference

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of the barrel and greater securement when locked in position. It would have been obvious to modify the rotating barrel of the carabiner of Akeroyd so that the barrel is screw threaded to lock the gate in view of Bonaiti suggesting that it is conventional to provide a hook with a screw threaded barrel 19 to lock the pivotally connected gate wherein the barrel 19 has an outer configuration with ridges that would be more easily grasped and turned and by having such a configuration provides areas of greater thickness along the circumference of the barrel and greater securement when locked in position. As to claim 4, Bonaiti suggests the use of a double locking barrel 19, 14 as providing greater securement thereby rendering obvious the use of a double locking barrel.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akeroyd (GB 2077838) in view of Brainerd et al. (US 5878834).

Akeroyd (figures 1-4) teaches carabiner structure including a body 10 that is generally C-shaped, even with the eyelet portion 11, with its free ends curved toward each other and forming a gap therebetween, and a gate on one end of the body for closing the gap, the gate having a locking barrel 14 thereon, the barrel 14 having a greater thickness 15 on the face of the barrel that is outermost when it is in the position of locking the gate in a closed position. The difference is that the material of the barrel and its ability to withstand forces on the order of 25kN is unstated. However, it is well known in this field of endeavor as evidenced by Brainerd et al. (figures 1-8) that high quality metals with good durability such as stainless steels, 4130 alloy steels, titanium or aluminum are needed for the gate structure (col. 4, lines 19-21). Since increased

strength can be a desirable characteristic for carabiners thereby providing greater safety to a climber it would have been obvious to modify the carabiner of Akeroyd to use a barrel of adequate strength in view of Brainerd et al. teaching that durability is important in carabiner gate structure and that various metals such as stainless steels, 4130 alloy steels, titanium or aluminum are needed to provide such durability.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akeroyd (GB 2077838) in view of Nebot (WO 93/25822).

Akeroyd (figures 1-4) teaches carabiner structure including a body 10 that is generally C-shaped, even with the eyelet portion 11, with its free ends curved toward each other and forming a gap therebetween, and a gate on one end of the body for closing the gap, the gate having a locking barrel 14 thereon, the barrel 14 having a greater thickness 15 on the face of the barrel that is outermost when it is in the position of locking the gate in a closed position. The difference is that the gate is not shown as solid. It would have been obvious to utilize a solid gate in view of Nebot (figures 5-8) teaching the use of a solid gate 2 as being desirable for enhanced strength.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akeroyd (GB 2077838) in view of Petzl et al. (US 5608953).

Akeroyd (figures 1-4) teaches carabiner structure including a body 10 that is generally C-shaped, even with the eyelet portion 11, with its free ends curved toward each other and forming a gap therebetween, and a gate on one end of the body for closing the gap, the gate having a locking barrel 14 thereon, the barrel 14 having a greater thickness 15 on the face of the barrel that is outermost when it is in the position

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of locking the gate in a closed position. The barrel is rotated to lock and unlock the gate. The difference is that the barrel has greater thickness extending outwardly so as to enhance the strength against an inward force and not a sideward force as claimed. However, Petzl et al. shows a similar carabiner structure and that for the closed and locked configuration of figure 3, the barrel has a section in figure 4 wherein there is a thicker area extending to the left so as to enhance the barrel strength against inward pressure and a thicker area extending downwardly so as to enhance the barrel strength against sideward pressure. Since locking strength is of importance to the safety of a climber, it would have been obvious to modify the carabiner of Akeroyd so as to enhance its strength against sideward pressure as taught by Petzl et al. by increasing the sideward thickness and hence its strength.

Allowable Subject Matter

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed May 21, 2003 have been considered but found unpersuasive. Applicant argues that Akeroyd doesn't show the barrel overlapping the free end of the body. It is not seen how applicant can allege that Akeroyd doesn't show the barrel overlapping the free end of the body when figures 1-3, 5, and 6 clearly show the barrel overlapping the free end of the body. As to new claims 11 and 12, applicant states "In Figure 4, the thicker region 32 of the barrel 30 is faced sideward of the body

12 instead of outward of the body as claimed in claim 1 and shown in Figure 2" (page 5, ¶1, lines 3-5). However, only one species is disclosed in this application and as clearly stated in the specification "Figure 2 shows the karabiner of Figure 1 with the gate closed" (page 3, line 6) and "Figure 4 shows the karabiner of Figure 1 from one side and below" (page 3, line 9). It is unknown how applicant can now allege that when there is but one species disclosed that the location of the thickened area is located in different locations when the figures simply show different perspectives of the species.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

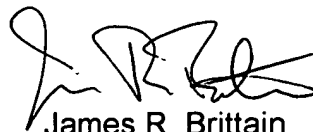
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-

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2222. The examiner can normally be reached on M, W & F 5:30-1:30, T 5:30-2:00 & TH 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain
Primary Examiner
Art Unit 3677

JRB
August 11, 2003